

REMARKS

Claim 1 was rejected. Claims 1-10 are now in this application. Claim 1 has been amended. Claims 2-10 were added.

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hamalainen et al (US 5,802,465) in view of Kumar et al (US 6,418,148), and over Turina et al (US 6,097,717) in view of Kumar et al (US 6,418,148). The office action alleges that both Hamalainen (at col. 12, lines 30-35) and Turina (at col 2, lines 33-39) both discloses “prospectively assigning currently unavailable supplemental channel resources to support a future supplemental channel for a user associated with the received data notify request.” Applicant respectfully disagrees. Claim 1 recites the limitation of “prospectively assigning currently unavailable supplemental channel resources to support a future supplemental channel.” Neither Hamalainen nor Turina teaches such prospective assignment of currently unavailable supplemental channel resources. Hamalainen teaches packet data channel assignment after the packet data channel is free (col. 12, lines 32-34). Hamalainen does not assigned currently unavailable supplement channel resources.

Turina teaches sending access confirmations to mobile stations (in response to access requests by the mobile stations) by a base station in a momentarily overloaded radio communication system which lacks free channel capacity for data transmission. The access confirmations are not channel assignments, i.e., no channels are being assigned to any of the mobile stations. Rather, the access confirmations indicate to the mobile stations not make repeated access requests. The mobile stations to whom the access confirmations are sent are placed in a queue for channel reservation. By contrast, claim 1 involves the prospective assignment of currently unavailable supplemental channel resources. That is, the supplemental channel resources are being assigned even when they are unavailable, i.e., in use. There is no waiting in a queue for the supplemental channel resources to become available before assignment, as taught by Turina.

According, it is felt that claim 1 is patentable under 35 U.S.C. §103(a) over Hamalainen et al in view of Kumar et al, and over Turina et al in view of Kumar et al.

Claims 2-10 were newly added to cover certain aspects of the invention not originally claimed. Claims 2-10 depend upon and include all the limitations of claim 1 and are therefore

also felt to be patentable. Support for newly added claims 2-10 can be found on pages 14-17 and Figs. 4 and 5.

Based upon the foregoing reasons, applicants submit that this application is in condition for allowance. Favorable action is respectfully requested.

Respectfully,

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